

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT BERTUGLIA, JR., ET AL.,

Plaintiffs,

11 Civ. 2141 (JGK)

- against -

MEMORANDUM OPINION
AND ORDER

THE CITY OF NEW YORK, ET AL.,

Defendants.

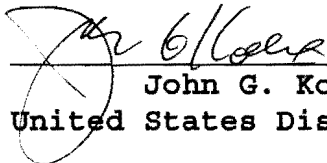
JOHN G. KOELTL, District Judge:

As discussed at the conference on June 14, 2011, the plaintiffs may file an amended complaint by **June 28, 2011**. The time for each defendant to move or answer is **July 19, 2011**. If a motion to dismiss is filed, the plaintiffs' time to respond is **August 9, 2011**, and the time to reply is **August 23, 2011**. The parties should discuss by **June 17, 2011**, the paragraphs of the complaint, if any, that the defendants would like the plaintiffs to clarify in the amended complaint. Because the plaintiffs were given the opportunity to amend the complaint, if the motions to dismiss are granted, any dismissals will be with prejudice. See Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc., 2009 WL 3346674, at *2 n.14 (S.D.N.Y. Oct. 15, 2009) (collecting cases). The motion to dismiss the complaint that the assistant district attorney defendants represented they had made is **denied without prejudice as moot**.

The plaintiffs should provide the same releases already provided to the City of New York to the remaining defendants by **June 16, 2011**. The releases should include the relevant state court indictments, judicial orders dismissing or quashing the indictments, and the grand jury testimony. The plaintiffs may also file an initial request for documents from the Port Authority. The assistant district attorney defendants should provide copies of the state court decisions, the indictments, and the testimony before the grand juries to all parties as soon as they are available.

SO ORDERED.

Dated: New York, New York
June 15, 2011
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John G. Koeltl
United States District Judge